UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
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San Francisco, CA 94105-3901

NOV 24 2010

David Robinson
Central California Area Office
Bureau of Reclamation
7794 Folsom Dam Road
Folsom, CA. 95630-1799

Subject: Draft Environmental Impact Statement for Nimbus Hatchery Fish Passage Project, Lower American River, Sacramento County, California. [CEQ #20100392]

Dear Mr. Robinson:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the above project. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

The Draft Environmental Impact Statement (DEIS) clearly demonstrates the need to improve the existing weir and fish ladder for the Nimbus Fish Hatchery. EPA supports the preferred alternative to construct a new fish passage and ladder with its entrance in the Nimbus Dam stilling basin. This alternative would eliminate the existing weir, and its adverse effects, and allow spawning and rearing of threatened and endangered steelhead and Chinook salmon within the Nimbus Dam stilling basin and Nimbus Shoals. These fish would benefit from the proposed fish spawning gravel augmentation and side-channel habitat establishment sites upstream of the USGS gaging cable, within the stilling basin, and at Nimbus Shoals (p. 4-106).

Based on our review of the DEIS, we have rated the project and document as *Lack of Objections* (LO). Please see the enclosed "Summary of EPA Rating Definitions." The enclosed detailed comments provide recommendations for additional documentation regarding noise mitigation, enforcement, and fisheries which would ensure full disclosure of proposed actions and potential impacts.

We recommend serious consideration of a year-round fishing closure between Nimbus Dam and the USGS gaging station cable crossing. In addition, we recommend limited and controlled visitor access to Nimbus Shoals. Implementation of these measures would significantly reduce the occurrence of vandalism, vehicle break-ins, vehicle-related user conflicts, trash, sanitation issues, lead sinker accumulation in the stilling basin, and risk of river contamination by car oil, fuel, and sediment. Furthermore, limiting visitor and angler access to Nimbus Shoals would reduce illegal take of Chinook salmon and off-road vehicle use within the rock channel portion of the new fish passageway. The DEIS also identifies a significant concern regarding the spread of the New Zealand Mud Snail (NZMS) which could adversely affect the Lake Natoma water supply and American River Trout Hatchery which is used to stock areas free

of NZMS (p. 3-13). Limiting visitor and angler access to Nimbus Shoals would reduce the possible spread of the invasive NZMS that attaches to anglers' gear and boots.

EPA encourages implementation of additional mitigation measures as described in Section 4.18, "Mitigation Measures," which may be implemented to further reduce the adverse impacts identified for the Nimbus Hatchery Fish Passage project.

EPA appreciates the opportunity to provide input regarding the proposed project. When the Final EIS is released for public review, please send one hard copy to the address above (Mail Code: CED-2). If you have questions, please contact me at 415-972-3521, or contact Laura Fujii, the lead reviewer for this project. Laura can be reached at 415-972-3852 or fujii.laura@epa.gov.

Sincerely,

Kathleen M. Goforth, Manager
Environmental Review Office (CED-2)
Communities and Ecosystems Division

Enclosures: Summary of EPA Rating Definitions
Detailed Comments

Cc: Joe Johnson, CDFG

U.S. EPA DETAILED COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR NIMBUS HATCHERY FISH PASSAGE PROJECT, SACRAMENTO COUNTY, CA., NOVEMBER 24, 2010

Noise

Evaluate noise reduction and mitigation options. Significant adverse direct and cumulative noise impacts are expected due to the close proximity of in-river demolition work to homes on the north side of the American River (pps. 4-80, 4-116). Although the noise would be limited to daytime hours, it is considered a significant and unavoidable adverse impact due to the difficulty of providing noise shielding for equipment operating in the riverbed.

> ***Recommendation:*** We recommend the Final Environmental Impact Statement (FEIS) provide more definitive information demonstrating that noise shielding is impractical. We suggest evaluation and implementation of one or more of the following noise mitigation measures:
>
> ***Source Controls:***
> - Time Constraints – prohibiting work during sensitive nighttime hours
> - Scheduling – performing noisy work during less sensitive time periods
> - Equipment Restrictions – restricting the type of equipment used
> - Emission Restrictions – specifying stringent noise emission limits
> - Substitute Methods – using quieter methods/equipment when possible
> - Exhaust Mufflers – ensuring equipment have quality mufflers installed
> - Lubrication & Maintenance – well maintained equipment is quieter
> - Reduced Power Operation – use only necessary size and power
> - Limit Equipment On-Site – only have necessary equipment on-site
> - Noise Compliance Monitoring – technician on site to ensure compliance
> - Quieter Backup Alarms – manually-adjustable or ambient sensitive types
>
> ***Path Controls:***
> - Noise Barriers – semi-permanent or portable wooden or concrete barriers
> - Noise Curtains – flexible intervening curtain systems hung from supports
> - Enclosures – encasing localized and stationary noise sources
>
> ***Receptor Controls:***
> - Window Treatments – reinforcing the building's noise reduction ability
> - Community Participation – open dialog to involve affected residents
> - Noise Complaint Process – ability to log and respond to noise complaints
> - Temporary Relocation – in extreme otherwise unmitigatable cases

Enforcement

Describe enforcement measures to ensure compliance with new fishing and visitor use regulations. The DEIS states that Nimbus Shoals and the Nimbus Fish Hatchery parking area experience vandalism, vehicle break-ins, vehicle-related user conflicts, and one of the highest citation rates for illegal take of salmon. While law enforcement is provided by California Department of Fish and Game (CDFG) and California Department of Parks and Recreation (CDPR) patrols, the occurrence of the above problems may indicate that the existing level of law

enforcement is not sufficient. The action alternatives may change existing fishing regulations and visitor access to Nimbus Shoals, including a fishing prohibition within 250 feet of the new fish passageway entrance. This entrance would be on Nimbus Shoals which is currently open to unrestricted public vehicle access. Given the ready access to Nimbus Shoals, an increase in vandalism, illegal fishing, and parking and off-road vehicle use in the new rock channel portion of the fish passageway is expected (p. 4-50).

> ***Recommendation:*** The FEIS should describe the enforcement measures that will be taken to ensure compliance with new fishing restrictions and Nimbus Shoals visitor use regulations. Given the existing problems and projected increase of vandalism, vehicle break-ins, vehicle-related user conflicts, and citations for illegal take of salmon, the FEIS should describe additional enforcement, security, and educational measures that can be taken to reduce these visitor use issues.

Fisheries

Constructing side channel habitat and the fish ladder at the same time, if feasible. A priority site for side channel habitat establishment is located on Nimbus Shoals on the south side of the American River. The side channel would start in the Nimbus Dam stilling basin north of the proposed fish ladder and would cross the gravel bar to the river. Construction would occur after construction of the new Hatchery fish ladder (p. 4-106). Given the proximity of the side channel project to the proposed fish ladder, engineering and construction efficiencies, plus, a reduction of potential adverse environmental effects, may be gained by building these two features at the same time.

> ***Recommendation:*** We recommend the FEIS describe the proposed Nimbus Shoals side channel habitat project and consider constructing the side channel at the same time as construction of the new fish ladder, if feasible.

Evaluate predation pressure and disease incidence as a result of higher fish densities in the stilling basin. The preferred alternative would construct a new fish passageway and ladder with its entrance in the Nimbus Dam stilling basin. Nimbus Dam would operate as the upstream barrier/fish weir directing fish into the new entrance. The DEIS does not state whether there would be an increase in predation pressure or disease incidence as a result of higher fish densities in the stilling basin.

> ***Recommendations:*** The FEIS should provide information on predatory fish and fish diseases that may affect fisheries in the American River and Nimbus Dam stilling basin. Evaluate whether there would be an increase in predation pressure or disease incidence as a result of higher fish densities in the stilling basin.